



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of J.E.,
Police Officer (S9999A),
Township of Teaneck

CSC Docket No. 2021-134

Medical Review Panel Appeal

ISSUED: SEPTEMBER 7, 2021 (BS)

J.E., represented by Ben Weathers, Esq., appeals his rejection as a Police Officer candidate by the Township of Teaneck and its request to remove his name from the eligible list for Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel (Panel) on January 15, 2021, which rendered a Report and Recommendation on January 17, 2021. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. It indicates that Dr. Krista Dettle (evaluator on behalf of the appointing authority) conducted a psychological evaluation of the appellant and noted that, although the appellant presented as affable, he was immature and disorganized. Additionally, the appellant's attire was overly casual and not appropriate for a professional interview. Dr. Dettle also reported that the appellant seemed unable or unwilling to remain seated during the interview and moved about the room. He was unprepared and did not have his identification card ready. Moreover, Dr. Dettle indicated that the appellant failed to provide adequate responses on his documentation, failed to follow written and verbal instructions during the testing, was unable or unwilling to provide adequate responses to questions during the interview, and often responded with an

expletive upon realizing his errors. Dr. Dettle expressed concerns regarding the appellant's maturity, dutifulness, impulsivity, and judgment. She noted that the appellant's behavioral record included a 2015 arrest for stealing license plates and driving without a license or permit on several occasions. The appellant also posted inappropriate pictures on his social media account depicting illicit drug use. Moreover, the test data suggested an individual who is defensive, indifferent to others, unwilling to compromise, self-doubting, generally unstable, worrisome, beset by problems, and unsure on how to deal with these problems. Accordingly, Dr. Dettle failed to recommend the appellant for appointment to the subject position.

The Panel's report also indicates that Dr. David Goldstein (evaluator on behalf of the appellant) carried out a psychological evaluation. Dr. Goldstein found no indications or evidence that the appellant possessed a psychological problem which would interfere with the appellant's ability to function as a law enforcement officer. The appellant presented as professional, straightforward, honest, and provided logical explanations for the discrepancies found in Dr. Dettle's evaluation. Dr. Goldstein opined that the appellant did not appear to portray himself in an overly favorable light. However, Dr. Goldstein did note that the appellant endorsed multiple items on the testing that diverged from the normative sample of Police Officer applicants. For example, the appellant endorsed traits that were consistent with substance abuse. His explanation was that he lost his place when rating these items and had difficulty refocusing. Dr. Goldstein also found that the appellant did not know the meaning of "seldom," and thus, did not answer test items correctly. In addition, Dr. Goldstein contacted a Sergeant who served with the appellant in the military. The Sergeant offered his opinion regarding the appellant's suitability for the subject position. Dr. Goldstein concluded that, within a reasonable degree of psychological certainty, the appellant was suitable for employment as a Police Officer.

The Panel noted that the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. It set forth that the appointing authority's evaluator was concerned about the appellant's maturity, dutifulness, impulsivity, and judgment. By contrast, the appellant's evaluator did not have the same concerns and considered the appellant fit for duty. The Panel agreed with Dr. Dettle's finding regarding the appellant's maturity and judgment and noted that he had difficulty following directions related to the psychological testing and interview conducted by Dr. Dettle. Moreover, the Panel found that, while there was no indication that the appellant was actually using illicit substances in the social media photos, the imagery evoked by these photos was concerning as the appellant was attempting to secure a position as a Police Officer. Further, although the appellant stated that the images dated back to 2018, the Panel noted that, according to the Township of Teaneck's investigation, the one image of the appellant smoking an unknown substance through a pipe was dated March 2020. It is noted that the other two photos were from 2019 and 2018 and depicted a substance in a bag and in a jar, respectively, which the appellant had explained to

investigators that it was “CBD” and did not contain “THC” and was bought at a smoke/vape shop. The investigation also found that the appellant posted a short video in 2018 captioned “3 weed oil and 2 xannies.” Accordingly, the Panel determined that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicated that the appellant was psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. The Panel recommended that the appellant be removed from the subject eligible list. The Panel further opined that the passage of time from these lapses in judgment and an ongoing lack of problematic behavior may be helpful to the appellant in the future.

In his exceptions, the appellant argues that the Panel did not specifically state how his personality traits rendered him unfit for a Police Officer position in accordance with *In re Vey*, 124 N.J. 534 (1991) and prior Commission decisions. In other words, the Panel was required to correlate personality traits to job performance. However, the appellant maintains that while the Panel expressed concerns regarding his maturity and judgment, it did not specifically state what aspects of the job he was unfit to perform. Rather, the Panel only offered a conclusory statement that he was not fit to effectively perform the duties of the position. The Panel also failed to state how the social media posts relate to his ability to perform the duties of the position. The appellant clarifies that he misspoke at the Panel meeting and acknowledges that most of the social media posts were from 2018 and one was from March 2020, which is approximately the same time he stopped ingesting “CBD.” He submits that the appointing authority and the Panel is essentially penalizing him for using a legal product, as the Panel stated that there was no indication that the appellant was using illicit substances. Further, the appellant maintains that the Panel failed to consider his military service or Dr. Goldstein’s collateral interview with the Sergeant, who said that the appellant was able to follow rules, exercised good judgment even in high stress situations, and had no disciplinary issues in the service. Therefore, the appellant respectfully requests that the Commission disregard the Panel’s Report and Recommendation and find him fit for duty as a Police Officer.

CONCLUSION

The Job Specification for the title of Police Officer is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

The Commission has reviewed the Job Specification for this title and the duties and abilities encompassed therein and finds that legitimate concerns were raised by the appointing authority's evaluator regarding the appellant's maturity, dutifulness, impulsivity, and judgment, which support the recommendation of the Panel. The Commission is not persuaded by the appellant's exceptions, which focus primarily on an assertion that the Panel failed to correlate his level of maturity and judgment with the job performance of a Police Officer and to consider the recommendation of his Sergeant. Although the appellant argues that the Panel's Report and Recommendation do not satisfy the standards and principles articulated in *In the Matter of Vey, supra*, the Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the raw data and recommendations and conclusions drawn by the various evaluators prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented to it. The Panel's observations regarding the appellant's appearance before the Panel are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants for Police Officer positions.

Contrary to the appellant's exceptions, there are linkages in the Panel's Report and Recommendation with the negative recommendation of Dr. Dettle that the appellant's personality traits are not suited for a Police Officer position. Both Dr. Dettle and the Panel found that the appellant lacked maturity and good judgment to be a Police Officer, which are clearly illustrated by the appellant's social media posts. The Commission finds that any suggestion of illegal drug use in a Police Officer candidate's background is of serious concern no matter how isolated or remote in time it may be, which these social media posts are not, having been posted in 2018, 2019, and 2020, respectively. Such social media posts may be psychologically disqualifying regardless of whether an appointing authority does not disqualify an individual during a background investigation because of such posts. The Commission is mindful that the public expects candidates for positions in law enforcement to be held to a higher standard of personal accountability and any such lapses of judgment can be considered when evaluating candidates for law enforcement positions. In addition to the various duties a Police Officer performs as set forth above, a Police Officer may

be required to provide sworn testimony in court, and if such social media posts come to light, they could serve to undermine the appellant's credibility. The Commission finds that such social media posts, which are not remote in time, demonstrate a clear lack of judgment which is not conducive to someone aspiring to serve in a law enforcement position.

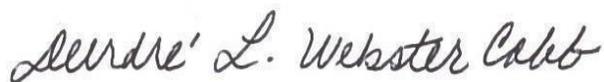
With regard to the opinion of the appellant's Sergeant concerning the appellant's suitability, the Commission finds that military experiences are more structured and narrower in scope than those experiences one might encounter in a law enforcement position, particularly one that deals with the public, and that military experience does not necessarily equate with law enforcement success. Therefore, in this case, considering the position at issue and the negative recommendations of Dr. Dettle and the Panel, the Commission cannot ratify the appellant's psychological fitness to serve as a Police Officer. It is noted that Dr. Goldstein's report also presented issues with the appellant's responses to test items and his grasp of a basic vocabulary word which resulted in a questionable test result. Given the various written tasks that a Police Officer performs, the latter is also concerning. Lastly, the appellant should take heed of the recommendation of the Panel that the passage of time from his lapses in judgment and an ongoing lack of problematic behavior may be beneficial to the appellant in the future. Accordingly, the Commission upholds the appellant's removal from the subject eligible list.

ORDER

The Commission finds that the appointing authority has met its burden of proof that J.E. is psychologically unfit to perform effectively the duties of a Police Officer, and therefore, the Commission orders that his name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1ST DAY OF SEPTEMBER, 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Allison Chris Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: J.E.
Ben Weathers, Esq.
Dean Kazinci
Suzanne Murphy, Esq.
Division of Agency Services